

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 13-271—HB 6033

Transportation Committee

Finance, Revenue and Bonding Committee

**AN ACT CONCERNING DISTRACTED DRIVING AND REVISIONS TO
THE MOTOR VEHICLE STATUTES**

SUMMARY: This act makes numerous changes in the motor vehicle laws. Among other things, it:

1. increases the fines for using a hand-held cell phone or other electronic device while driving, creates a task force to study prevention of distracted driving, and makes other changes in the cell phone law (§§ 2, 37, & 60);
2. increases driver's license renewal fees and changes other motor vehicle fees (§§ 15-17, 20-21);
3. requires certain Department of Motor Vehicles (DMV) employees to undergo background checks (§ 6);
4. allows certain people convicted of driving under the influence (DUI) to drive to probation appointments in the first year of driving only cars equipped with ignition interlock devices (§§ 51-53);
5. bars the DMV commissioner from registering all-terrain vehicles (ATVs) and vessels of delinquent taxpayers (§§ 9-10);
6. criminalizes some offenses committed by motor vehicle repair shops and makes other offenses an infraction (§§ 45-49);
7. waives the motorcycle endorsement written test for certain servicemembers (§ 14);
8. modifies what is considered a motor-driven cycle and requires operators of certain of these vehicles to wear eye protection (§§ 3, 34, & 36);
9. modifies laws exempting certain tow truck companies (e.g., those towing interstate for hire) from state licensing, registration, and equipment laws (§ 26);
10. makes a driving instructor's license valid for use at any licensed driving school, rather than just at the school where the instructor works (§ 28);
11. expands the types of vehicles that must stop at state weigh stations (§ 32);
12. prohibits the DMV commissioner, with certain exceptions, from issuing a driver's license to anyone who has held an adult instruction permit for less than 90 days (§ 50);
13. allows sworn motor vehicle inspectors to administer oaths and serve search warrants (§§ 1, 42);
14. prohibits commercial driver's license (CDL) holders from taking part in certain pre-trial programs (§§ 43-44);
15. changes other laws affecting CDL holders, including specifying who can issue "out-of-service" orders to bus and truck drivers, and applies certain penalties to all CDL holders, regardless of the type of vehicle they were

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driving when they committed a violation (§§ 4-5, 37); and
16. modifies laws concerning driver's license photos and special operator permits (§§ 12-13).

It also makes other changes affecting CDL holders, garages, and wreckers.
EFFECTIVE DATE: Various, see below.

§§ 1 & 42 — POWERS OF MOTOR VEHICLE INSPECTORS

The act allows sworn DMV motor vehicle inspectors to administer oaths and serve search warrants when discharging their duties according to law.

EFFECTIVE DATE: July 1, 2013

§§ 2, 37, & 60 —USE OF CELL PHONES WHILE DRIVING

The act increases the fines for violating the ban on driving while operating a cell phone, texting, or engaging in any activity that interferes with a vehicle's safe operation, as shown in Table 1.

Table 1: Fines for Violating the Law

<i>Offense</i>	<i>Fine Under Prior Law</i>	<i>Fine Under the Act</i>
First	\$125	\$150
Second	\$250	\$300
Third and Subsequent	\$400	\$500

The act requires that the record of such a violation appear in the violator's driving history or motor vehicle record and be made available to motor vehicle insurers.

It also requires the DMV commissioner to assess at least one point on a violator's motor vehicle record.

Distracted Driving Task Force

The act creates a task force to:

1. evaluate the effectiveness of existing distracted driving laws;
2. examine enforcement of those laws;
3. consider distracted driving measures taken by the federal government and other states; and
4. make recommendations, including legislation, to prevent distracted driving in the state.

The task force must report to the Transportation Committee by January 1, 2014 and terminates on that date or when it submits its report, whichever is later.

The task force has 12 members, including the DMV and transportation commissioners, or their designees, and the chairpersons and ranking members of the Transportation Committee. The six legislative leaders each appoint one member, who may be a legislator.

Appointments must be made by August 10, 2013. Any vacancy must be filled

by the appointing authority.

The House speaker and Senate president pro tempore must select the task force chairpersons from the task force membership. (The act does not specify the number of chairpersons.) The chairpersons must hold the task force's first meeting by September 9, 2013. The task force is staffed by the Transportation Committee's administrative staff.

EFFECTIVE DATE: October 1, 2013, except the task force provision is effective upon passage.

§§ 3, 34, & 36 — MOTOR-DRIVEN CYCLES

The act classifies a "motor-driven cycle" as any of the following with a piston displacement of less than 50 cubic centimeters: a (1) motorcycle, (2) motor scooter, or (3) bicycle with an attached motor. Under prior law, motor-driven cycles were any of these vehicles whose motors produced five or less brake horsepower. As under existing law, a motor-driven cycle must have a seat at least 26 inches high. Motor-driven cycles are subject to laws restricting their operation on highways, among other restrictions.

By law, the DMV commissioner must issue regulations, according to nationally accepted standards, on specifications for goggles, glasses, face shields, windshields, and wind screens for use by motorcycle operators. The act requires her to do the same for operators of motor-driven cycles. Motor-driven cycle operators who fail to wear goggles, glasses, or face shields that meet the minimum specifications commit an infraction. The provisions do not apply to operators of motor-driven cycles equipped with wind screens or windshields that comply with the regulations.

EFFECTIVE DATE: July 1, 2013

§ 4 — OUT-OF-SERVICE ORDERS

The act requires a person with DMV inspection authority to issue an "out-of-service" order (i.e., a temporary prohibition against driving a vehicle subject to Federal Motor Carrier Safety Administration (FMCSA) regulations). By regulation, people with inspection authority include motor vehicle inspectors and state and municipal police officers who have satisfactorily completed 40 hours of on-the-job training and a course in FMCSA regulations, safety inspection procedures, and out-of-service criteria (Conn. Agencies Reg. § 14-163c-9). Prior law authorized police and motor vehicle inspectors to inspect commercial motor vehicles but did not require that they have specific training or education. By law, authorized FMCSA officials can also issue out-of-service orders.

The act increases the types of motor vehicles subject to out-of-service orders to include those:

1. weighing 18,001 or more pounds in intrastate commerce;
2. weighing 10,001 or more pounds in interstate commerce;
3. carrying more than eight passengers, including the driver, for compensation;
4. carrying more than 15 passengers, including the driver, without

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compensation; or

5. used to transport certain hazardous waste.

Prior law authorized police and motor vehicle inspectors to issue out-of-service orders to prevent commercial motor vehicles from operating on highways.

By law, commercial motor vehicles are vehicles:

1. with a gross vehicle or combination weight rating of at least 26,001 pounds, including a towed unit or units with a gross vehicle weight rating of at least 10,000 pounds;
2. designed to transport at least 16 passengers, including the driver;
3. designed to transport more than 10 passengers, including the driver, and bring students under age 21 to and from school; or
4. that transport certain hazardous materials.

The act therefore adds to the vehicles subject to out-of-service orders those vehicles (1) weighing between 18,001 and 26,000 pounds in intrastate commerce, (2) weighing between 10,001 and 26,000 pounds in interstate commerce, or (3) carrying between eight and 15 passengers for compensation. It appears to preclude placing out-of-service a vehicle carrying more than 10 but fewer than 15 students under age 21 to and from school.

EFFECTIVE DATE: July 1, 2013

§§ 5 & 37 — SERIOUS TRAFFIC VIOLATIONS

By law, certain offenses are considered “serious traffic violations.” A CDL holder convicted of more than one of these offenses is disqualified from operating a commercial motor vehicle (e.g., large truck) for specified periods of time (CGS § 14-44k (f)).

Under prior law, a driver committed a serious traffic violation if he or she violated a highway traffic law and caused the death of another person while driving a commercial motor vehicle. The act broadens the category of people for whom this is a serious traffic violation to include CDL or commercial driver’s instruction permit holders, regardless of whether they were driving a commercial motor vehicle when the violation occurred.

The act (1) prohibits people from using a hand-held cell phone or other electronic device for any purpose while driving a commercial motor vehicle, except in an emergency, and (2) adds this violation to those offenses considered a serious traffic violation. Under existing law, typing, reading, or sending a text message from a cell phone or electronic device while driving a commercial motor vehicle is prohibited, except in an emergency, and is a serious traffic violation.

EFFECTIVE DATE: July 1, 2013, except for the provision barring drivers from using a hand-held cell phone or other electronic device while driving a commercial motor vehicle, which is effective October 1, 2013.

§ 6 — BACKGROUND CHECKS OF CERTAIN DMV EMPLOYEES

The act complies with federal regulations (49 CFR 384.228) by requiring anyone who is to be employed to administer a DMV knowledge or skills test to CDL applicants to undergo a national criminal background check before DMV

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certifies him or her to give such tests. The checks must include name- and fingerprint-based criminal history checks of federal and state records. DMV must keep a record of the checks. (The act does not specify for how long DMV must retain the records). DMV must not certify any examiner convicted of a felony in the previous 10 years or of any crime involving fraud.

EFFECTIVE DATE: October 1, 2013

§§ 7 & 39-40 — INSURANCE INFORMATION

The act requires insurers offering passenger car insurance to include on annual and temporary insurance identification cards the National Association of Insurance Commissioners code number assigned to the insurer. As under existing law, the cards must be issued in duplicate. The act bars the DMV commissioner from issuing a motor vehicle registration for a passenger vehicle or vehicle with a commercial registration unless the registration application includes a current insurance identification card containing this code number.

EFFECTIVE DATE: October 1, 2013

§ 8 — LEASE OR RENTAL COMPANY PROOF OF MOTOR VEHICLE INSURANCE

The act requires that people, firms, and corporations that lease or rent motor vehicles furnish to DMV proof that their insurance covers all the vehicles they own, regardless of the length of the lease or rental term. Under prior law, the licensee could furnish proof of insurance separately for each vehicle or each group of vehicles leased to a single lessee.

EFFECTIVE DATE: July 1, 2013

§§ 9-10 — REGISTERING VEHICLES OF DELINQUENT TAXPAYERS

By law, municipal tax collectors must notify DMV when the property tax on a registered motor vehicle or snowmobile is unpaid. DMV cannot register the motor vehicle or snowmobile, or any other motor vehicle or snowmobile belonging to the delinquent taxpayer, until the tax obligation is met. By law, in certain cases (e.g., paying delinquent taxes on a motor vehicle or snowmobile with a check that bounced), the commissioner also may suspend all motor vehicle or snowmobile registrations in the delinquent taxpayer's name.

The act additionally bars the commissioner from registering any ATV or vessel belonging to the delinquent taxpayer. It allows the commissioner to cancel, as well as suspend, all motor vehicle and snowmobile registrations in the delinquent taxpayer's name in certain cases and similarly allows her to suspend or cancel any ATV or vessel registrations in the taxpayer's name in those cases.

Notification Procedures

The act modifies procedures tax collectors use to notify DMV of payment of a delinquent tax. Under prior law, the tax collector had to send the commissioner a receipt showing the tax has been paid, or other such evidence. The act eliminates

the requirement that a tax collector furnish evidence the tax has been paid, requiring only that the tax collector notify the commissioner that the tax obligation has been legally discharged.

The act also requires tax collectors to notify the commissioner according to guidelines and procedures, rather than listings and schedules of dates, the commissioner establishes. It eliminates a requirement that the notification of delinquency be on forms the commissioner prescribes and furnishes, specifying certain information. It also eliminates a requirement that, when notifying the commissioner that a taxpayer is no longer delinquent, the tax collector include the name, address, and registration number to be removed from the motor vehicle delinquent tax list, instead requiring the tax collector to notify the commissioner according to the commissioner's guidelines and procedures.

Leasing or Rental Firms

Prior law allowed the commissioner to continue to register vehicles, other than one on which a licensed leasing or rental firm had not paid property taxes, if she was satisfied that the firm had arranged to pay the taxes it owed. The act allows her to continue to register other vehicles for such a firm regardless of whether such an arrangement has been made.

EFFECTIVE DATE: October 1, 2013

§ 11 — “Q” ENDORSEMENT TO DRIVE FIRE APPARATUS

By law, a “Q” designation on a driver's license indicates that the license holder may operate a fire apparatus. DMV regulations require that anyone seeking such a designation, as authorized by the chief of the fire department, demonstrate to the commissioner or her designee that he or she has the skills necessary to drive a fire apparatus, including vehicles weighing more than 26,001 pounds (Conn. Agencies Reg. § 14-36a-1).

The act requires the holder of a Q endorsement to be trained to operate a fire apparatus according to Commission on Fire Prevention and Control standards. DMV cannot issue a Q endorsement until the applicant demonstrates personally to the commissioner or her designee, including (1) the Connecticut Fire Academy; (2) a regional fire school; or (3) the chief local fire official of any municipality, that he or she possesses the necessary skills. As under the regulations, the applicant must be tested in a representative vehicle.

By law, a person who operates a motor vehicle in violation of his or her license classification commits an infraction and faces a \$50 fine. Subsequent violations are class D misdemeanors (see Table on Penalties). An employer who knowingly allows an employee to operate a vehicle in violation of the employee's license classification faces a fine of up to \$1,000 for a first violation and up to \$2,500 for subsequent violations.

EFFECTIVE DATE: July 1, 2013

§ 12 — COLOR OF LICENSE PHOTOS

The act eliminates a requirement that the photograph or digital image on

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driver's licenses and non-driver identification (ID) cards be in color.
EFFECTIVE DATE: July 1, 2013

§ 13 — SPECIAL PERMIT TO DRIVE TO HIGHER EDUCATION INSTITUTIONS

By law, certain people whose driver's licenses have been suspended may apply for a special permit that allows them to drive to and from an accredited higher education institution in which they are enrolled. The act allows holders of such a permit to also drive to a private occupational school, as defined by law, or to any higher education institution, regardless of whether it is accredited. It prohibits the commissioner from issuing such a special permit to students attending a (1) high school under the jurisdiction of a local or regional school board or regional educational service center, (2) charter school, (3) regional agricultural science and technology education center, or (4) technical high school.
EFFECTIVE DATE: July 1, 2013

§ 14 — WAIVER OF MOTORCYCLE TEST FOR SERVICEMEMBERS

Under existing law, an applicant for a driver's license motorcycle endorsement who does not have a motorcycle instruction permit must take an exam showing that he or she is a proper person to operate a motorcycle, knows enough to operate it safely, and has a satisfactory knowledge of the rules of the road. The act allows the DMV commissioner to waive this requirement for applicants who can produce documents showing that they (1) are on active military duty with the U.S. Armed Forces; (2) are stationed out of state; and (3) no earlier than two years before applying, have completed a novice motorcycle training course conducted by a firm using the Motorcycle Safety Foundation curriculum.

EFFECTIVE DATE: July 1, 2013

§ 15 — CONVENIENCE FEE INCREASE AND ELIMINATION OF THE PARTIAL YEAR LICENSE FEE

The act increases, from \$2 to \$3, the convenience fee that automobile clubs or associations (e.g., AAA) may charge a customer who renews or gets a copy of a driver's license or non-driver's ID card or conducts a registration transaction. It eliminates a \$12 driver's license fee for one year, or part of one. (An original driver's license is valid for six years following the date of the driver's next birthday. DMV charges the \$12 fee to applicants whose licenses do not expire until more than six years after they obtain the license (e.g., someone who gets a license in January, but whose birthday is in September)).

EFFECTIVE DATE: October 1, 2013

§ 16 — TWO-YEAR DRIVER'S LICENSE FEE

The act increases, from \$22 to \$24, the fee for renewing a two-year driver's license for people age 65 or older. By law, people age 65 or older may renew a

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license for either two or six years.

EFFECTIVE DATE: October 1, 2013

§ 17 — CDL RENEWAL FEE

The act increases the renewal fee for a CDL from \$60 to \$70. A CDL is valid for four years.

EFFECTIVE DATE: October 1, 2013

§ 18 — COMMERCIAL DRIVER'S INSTRUCTION PERMIT DISQUALIFICATION

By law, the commissioner may disqualify for life CDL holders who commit two or more of certain offenses, such as driving under the influence. Disqualified drivers cannot drive a commercial motor vehicle. The law allows certain disqualified drivers to apply for reinstatement of their CDL under certain conditions, including successfully completing an appropriate rehabilitation program.

The act similarly allows certain disqualified drivers holding commercial driver's instruction permits to apply for reinstatement, and applies to these permit holders the same conditions that apply to CDL holders. For example, it provides that certain convictions and offenses remain on the driving history of the permit holder for 55 years, as the law already provides for CDL holders.

EFFECTIVE DATE: October 1, 2013

§ 19 — COMMERCIAL DRIVER'S INSTRUCTION PERMIT NOTIFICATIONS

By law, the commissioner, after disqualifying a CDL holder or suspending, revoking, or cancelling a CDL, must note the action in her records within 10 days. If she takes such actions against a commercial driver licensed in another state, she must notify the licensing state of her action within 10 days. The act requires her to also update her own records when taking these actions against someone holding a commercial driver's instruction permit. It also requires her to notify a licensing state within 10 days when taking these actions against (1) a commercial motor vehicle operator licensed in another state or (2) someone who holds a commercial driver instruction permit from another state. As under existing law, the notification must identify the violation that caused the disqualification, suspension, cancellation, or revocation.

EFFECTIVE DATE: July 1, 2013

§ 20 — ELECTRIC MOTOR VEHICLE REGISTRATION

The act reduces, from annually to biennially, the registration frequency of electric motor vehicles, and correspondingly changes the registration fee from \$19 annually to \$38 every two years.

EFFECTIVE DATE: October 1, 2013

§ 21 — LICENSE RENEWAL FEE INCREASE

The act increases, from \$65 to \$72, the renewal fee for a driver's license to conform to the fee for an initial license. It retains the \$12 fee for a year or partial year for renewals, but eliminates these fees for initial licenses (see § 15).

EFFECTIVE DATE: October 1, 2013

§ 22 — LOAN OF DEALER OR REPAIRER VEHICLES

Under existing law, a motor vehicle dealer or repairer may loan a vehicle with a dealer or repairer plate or the plate itself to someone only (1) for a test drive; (2) when the person's vehicle is being repaired; or (3) for up to 30 days, when the person has bought a vehicle and its registration is pending. The act specifies that the loan must be made, respectively, by the (1) dealer owning and demonstrating, (2) dealer or repairer repairing, or (3) dealer selling, the vehicle.

The act specifies that a dealer or repairer or its full-time employee may drive a vehicle with dealer or repairer plates in connection with the dealer's or repairer's business and to pick up or deliver parts only if the vehicle is owned by the dealer or repairer and is used to pick up and deliver parts only for that business. As under existing law, the dealer or repairer may permit a full-time employee to use such a vehicle for the employee's personal use.

By law, a part-time employee may drive such a vehicle only in connection with the dealer or repairer's business. Under the act, a part-time employee is someone who (1) works for a dealer or repairer for less than 35 hours a week and (2) appears on the employer's records as an employee for whom Social Security, withholding tax, and all deductions required by law have been made.

EFFECTIVE DATE: July 1, 2013

§ 23 — MOTOR VEHICLE SALES VIOLATIONS AND "AS IS" SALES

The law prohibits a licensed dealer from selling a used motor vehicle without giving the buyer, at the time of sale, a valid certificate of title, the assignment and warranty of title by the dealer, or other evidence of title disclosing any lien, security interest in, or other encumbrance on, the vehicle. Under the act, a dealer who violates this law is guilty of a class B misdemeanor (see Table on Penalties).

The act also makes it a class B misdemeanor for a licensed dealer to deliver, or permit a retail buyer to take possession or delivery of, any used motor vehicle until (1) the buyer has paid in full or (2) financing offered by the dealer has been approved by the entity through which the financing agreement has been made.

"As Is" Sales

By law, motor vehicle dealers must conduct a comprehensive safety inspection and make needed repairs, without charge to the buyer, before offering any used motor vehicle for retail sale and must provide the buyer with certain documentation. If the inspection finds defects that the dealer does not repair, the dealer may sell the vehicle "as is" provided (1) he or she notes all the defects on the form and (2) the vehicle is not subject to a warranty according to law (i.e., it

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costs less than \$3,000 or is more than seven years old). The act retains the requirement that the dealer note all the vehicle's defects on a form, and corrects a statutory reference.

By law, the dealer must get the buyer to acknowledge the vehicle's condition by obtaining the buyer's signature on the retail purchase order, invoice, and safety inspection forms. The act requires that the dealer provide the buyer with copies of these documents when they are signed.

Under the act, a dealer who fails to conduct the required safety inspection commits a class B misdemeanor (see Table on Penalties).

By law, the commissioner may (1) suspend or revoke the license of any licensee who she finds has violated any law or regulation pertaining to its business and (2) impose a civil penalty of up to \$1,000 for each violation (CGS § 14-64).

EFFECTIVE DATE: October 1, 2013

§ 24 — MEDIATION BY DMV COMMISSIONER

The act allows, rather than requires, the DMV commissioner to attempt to mediate a voluntary resolution of a complaint against a licensed motor vehicle dealer or repairer if she determines the alleged facts indicate there is at least one violation of laws related to the licensee's business. Prior law required the commissioner to try to mediate, whether or not the allegations indicated a potential violation.

EFFECTIVE DATE: July 1, 2013

§ 25 — PROHIBITING ODOMETER TAMPERING

The act prohibits anyone who sells a motor vehicle at auction from selling a vehicle whose odometer was turned back or changed during the time it was owned immediately prior to the auction. It subjects the auctioneer to the same penalties imposed on those who turn back or change odometer readings.

People who tamper with odometers commit a class A misdemeanor (see Table on Penalties). They are also subject to triple damages or \$1,500, whichever is greater; court costs, and reasonable attorney's fees; and a civil penalty of up to \$1,000 per violation (CGS § 14-106b). A violation is also an unfair trade practice (see BACKGROUND).

EFFECTIVE DATE: July 1, 2013

§ 26 — EXEMPTIONS FROM CERTAIN WRECKER REQUIREMENTS

By law, certain people, firms, and corporations that operate tow trucks or wreckers are exempt from licensing, registration, and equipment requirements. The act adds associations that operate tow trucks or wreckers to these exempt entities and expands the types of people, firms, corporations, and associations that are exempt.

At the same time, it subjects to the licensing, registration, and equipment requirements those people, firms, corporations, and associations that (1) offer

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direct towing or transporting services to the public or (2) engage in nonconsensual towing or transporting (towing or transporting by order of police or a traffic authority).

Existing law exempts licensed motor vehicle dealers who tow or transport motor vehicles for salvage purposes and do not offer direct towing or wrecker service to the public. The act expands this exemption to include any licensed motor vehicle dealer that tows or transports motor vehicles as long as it does not (1) offer direct towing or transporting services to the public or (2) engage in nonconsensual towing or transporting.

The act applies the same restrictions (not offering towing services to the public or engaging in nonconsensual towing) to certain other already exempt and newly exempt entities. Specifically, it exempts people, firms, corporations, and associations that contract with motor vehicle recyclers, as long as the recycler or its contractor does not engage in such activities. It requires that, to continue to remain exempt, people, firms, corporations, or associations that repossess motor vehicles for banks not engage in such activities. And, as long as they do not engage in such activities, it exempts people, firms, corporations, or associations that (1) tow or transport motor vehicles interstate for hire, provided they have the appropriate federal operating authority or (2) tow motor vehicles to or from an auction conducted by a licensed dealer according to law.

The act imposes penalties on people, firms, corporations, or associations that violate laws pertaining to wrecker licensing, registration, equipment, or other matters. A first offense is an infraction; subsequent offenses are class D misdemeanors (see Table on Penalties).

EFFECTIVE DATE: October 1, 2013

§ 27 — DRIVING SCHOOL FEES

By law, a licensed driving school must pay DMV \$176 for each of its business locations in addition to its main place of business. The act requires the commissioner to charge \$88 for each such additional location if the licensee opens it with one year or less remaining on his or her two-year license. The \$88 fee applies to both initial and renewed licenses.

EFFECTIVE DATE: July 1, 2013

§ 28 — DRIVING INSTRUCTOR LICENSES

The act makes a driving instructor's license valid at any state-licensed driver's school and allows someone seeking such a license to apply to retake the licensing examination five days after failing one. Under prior law, an instructor's license was valid only for the school or schools listed on the license, and an applicant had to wait one month to apply to retake the test.

EFFECTIVE DATE: July 1, 2013

§ 29 — NOTIFICATION OF POLICE BY WRECKERS

The law requires a licensed wrecker to notify the local police department

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within two hours of towing a motor vehicle from private property. The act requires the (1) notification to be in writing or sent by fax or email and (2) wrecker to retain the notification record as required by law. The law requires wreckers to keep records for two years and make them available during business hours for inspection by police or DMV inspectors (CGS § 14-66b).

EFFECTIVE DATE: July 1, 2013

§ 30 — CHANGES CONCERNING FMCSA STANDARDS

By law, the commissioner may adopt regulations to apply certain FMCSA standards to certain motor vehicles or motor carriers. These include health and safety, insurance, inspection and maintenance, hours of service, and drug and alcohol use testing standards. The act authorizes her to apply these regulations to student transportation vehicles (STVs, which are vehicles, not including school buses, used to transport students to or from school, school programs, or school-sponsored events). Prior law exempted these vehicles from the federal standards. (See §§ 32, 57, and 59 for other changes affecting STVs.)

The act also (1) authorizes police officers and motor vehicle inspectors to inspect vehicles subject to FMCSA standards to determine if they comply with federal regulations on the transport of hazardous material and oil and pipeline safety and (2) eliminates statutory references to federal out-of-service order regulations. Out-of-service orders are defined in state law.

EFFECTIVE DATE: July 1, 2013

§ 31 — DISSOLUTION OF SECURITY INTERESTS

The act deems dissolved, 10 years after its perfection, any security interest in a motor vehicle originally perfected by a bank or other financial institution when (1) the institution no longer exists, (2) the institution did not release the security interest according to law, and (3) its successor institution cannot find the debtor's records.

EFFECTIVE DATE: July 1, 2013

§ 32 — WEIGH STATIONS

The act requires drivers of certain motor vehicles, (which, under § 30 of the act, include STVs) to stop at a weigh station, following the directions of a police officer, DMV inspector, or designated DMV employee, whenever highway signs indicate a weigh station is operating. Under prior law, these drivers were required to follow the direction of police, DMV inspectors, and designated Department of Emergency Service and Public Protection and Department of Transportation employees. The act conforms the law to PA 11-51, which made the DMV commissioner primarily responsible for staffing weigh stations and coordinating their operation.

Prior law required commercial vehicles, which the law does not define, to stop at weigh stations. The act instead requires vehicles meeting the following criteria to stop at open weigh stations:

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1. weighing 18,001 or more pounds in intrastate commerce;
 2. weighing 10,001 or more pounds in interstate commerce;
 3. carrying more than eight passengers, including the driver, for compensation;
 4. carrying more than 15 passengers, including the driver, without compensation; or
 5. used to transport certain hazardous waste.
- EFFECTIVE DATE: July 1, 2013

§ 33 — AUXILIARY POWER AND IDLE REDUCTION DEVICES

The act increases, from 400 to 550 pounds, the maximum weight of an auxiliary power or idle reduction technology device that does not count against state commercial motor vehicle weight limits.

EFFECTIVE DATE: July 1, 2013

§ 35 — ILLEGAL TOWING OF SKIERS, MOTOR-DRIVEN CYCLES, AND OTHERS

The law prohibits anyone from attaching himself or herself or a bicycle, roller skates, sled, skateboard, coaster, or toy vehicle on which he or she is riding to a vehicle moving or about to move on a public road, and bars the vehicle operator from knowingly permitting such use. The act adds to these prohibitions attaching for a tow, or knowingly towing, motor-driven cycles, skis, or any other vehicle not intended or designed to be towed. By law, a violation is an infraction.

EFFECTIVE DATE: July 1, 2013

§ 38 — CHANGE IN SNOWMOBILE AND ATV RENEWAL DATES

The act requires registration certificates for snowmobiles and ATVs to expire two years from the date they are issued, rather than biennially each March 31.

EFFECTIVE DATE: October 1, 2013

§ 41 — ACCIDENT PREVENTION COURSE FOR SENIOR DRIVERS

By law, drivers age 60 or older who successfully complete a DMV-approved accident prevention course pay reduced insurance premiums. Prior law required the course to last four hours. The act instead requires the course to last at least four hours.

EFFECTIVE DATE: July 1, 2013

§§ 43-44 — ELIGIBILITY FOR ACCELERATED REHABILITATION AND PRE-TRIAL ALCOHOL EDUCATION PROGRAMS

The act makes ineligible for the accelerated rehabilitation program anyone charged with a motor vehicle violation (1) while operating a commercial motor vehicle as defined in the act or (2) who held a CDL or commercial driver's instruction permit at the time the violation occurred, regardless of the type of

vehicle he or she was driving at the time. Accelerated rehabilitation is a pretrial diversion program for people accused of crimes and motor vehicle violations that are (1) punishable by a prison term and (2) not of a serious nature.

The act also makes ineligible for the pre-trial alcohol education program anyone charged with DUI who held a commercial driver's license or commercial driver's instruction permit when the violation occurred, regardless of whether he or she was driving a commercial motor vehicle at the time. Drivers charged with DUI while operating a commercial motor vehicle were already ineligible for the program. Affected commercial motor vehicle drivers include those driving vehicles added in §§ 4 and 30 of the act.

EFFECTIVE DATE: January 1, 2014

§§ 45-49 — REPAIR SHOP VIOLATIONS AND PENALTIES

The law establishes a number of requirements for motor vehicle repair shops. Among other things, they must:

1. obtain written authorization to perform repairs of more than \$50 that includes a written estimate of the maximum cost to the customer, and meet certain requirements if the customer waives his or her right to a written estimate (CGS §§ 14-65f and 14-65g);
2. record all work done on an itemized invoice and provide the customer, upon request, with all replaced parts (CGS § 14-65h); and
3. display a sign informing the customer of his or her rights (CGS § 14-65i).

The act makes a violation of these and related laws an infraction (see BACKGROUND).

The act makes it a class B misdemeanor (see Table on Penalties) for a repair shop to knowingly make a false or misleading statement to a customer or to charge a customer for repairs it has not made.

Under prior law, a violation of the above provisions was punishable by a fine of up to \$100 (CGS § 14-164).

By law, the DMV commissioner may investigate possible violations of these laws and ask the attorney general to seek a temporary or permanent order prohibiting a repair shop from violating them (CGS § 14-65k). She may also, after notice and a hearing, (1) suspend or revoke the license of any licensee who she finds has violated any law or regulation pertaining to its business or (2) impose a civil penalty of up to \$1,000 for each violation, or both (CGS § 14-64).

EFFECTIVE DATE: October 1, 2013

§ 50 — MINIMUM TIME TO HOLD AN ADULT INSTRUCTION PERMIT

The act prohibits the DMV commissioner from issuing a driver's license to a person age 18 or older who has held an adult instruction permit for less than 90 days. The act exempts from this prohibition applicants who (1) are members of the armed forces on active duty out of state or (2) have previously held a Connecticut driver's license.

By law, people age 18 or older who have had a driver's license suspended or revoked are ineligible for adult instruction permits. The act adds to those

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ineligible for such a permit anyone who has had his or her privilege to operate suspended or revoked. Privilege to operate generally refers to the right of people holding licenses from other states to drive in Connecticut.

EFFECTIVE DATE: Upon passage

§§ 51-53 — PROBATION APPOINTMENTS ALLOWED FOR CERTAIN DUI OFFENDERS

By law, for three years after the end of a person's 45-day license suspension for a second DUI conviction, he or she may operate a motor vehicle only if it is equipped with an ignition interlock device. Prior law additionally limited the driver, during the first year of this three-year period, to drive such vehicles only to or from (1) work, (2) school, (3) an alcohol or drug abuse treatment program, or (4) an ignition interlock service center. The act allows these offenders to also drive to an appointment with a probation officer during the first year. The commissioner must note this restriction on the driver's electronic record, as she does for other ignition interlock restrictions. As under existing law, she must ensure that law enforcement officers have access to the record.

EFFECTIVE DATE: July 1, 2013

§ 54 — DISOBEYING FIRE POLICE PERFORMING THEIR DUTIES

The act makes it an infraction (see BACKGROUND) to disobey the signals of a fire police officer directing traffic while performing his or her duties. By law, fire police officers may direct traffic at the scene of a fire, at a fire drill, or any other time fire police are serving with a fire department. Fire police have the powers and perform the duties designated and authorized by fire chiefs, who may appoint fire police officers they deem necessary, within available appropriations.

EFFECTIVE DATE: October 1, 2013

§ 55 — VEHICLE IDENTIFICATION NUMBERS (VIN)

The law requires a motor vehicle dealer, when verifying a manufacturer's VIN, to provide the commissioner with a signed affidavit stating that, for (1) new cars, the VIN corresponds to the manufacturer's or importer's certificate of origin and (2) other vehicles, it corresponds to the current title certificate. The act retains the certificate of origin requirement for new vehicles. It allows the dealer to also submit a signed affidavit stating that the VIN of any vehicle corresponds to its current (1) title certificate or (2) registration document. As under existing law, the affidavit also must state that the VIN has not been mutilated, altered, or removed.

EFFECTIVE DATE: July 1, 2013

§ 56 — DRIVING COURSE FEE FOR 16- AND 17-YEAR-OLDS

The act sets a maximum \$150 fee for the safe driving practices course that 16- and 17-year-old driver's license applicants must take. Prior law generally set a maximum \$125 fee, but allowed a \$150 fee if the course included the testing on comprehensive knowledge and rules of the road required for a license.

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EFFECTIVE DATE: October 1, 2013

§ 57 — INFORMATION DISPLAYED ON STVS

By law, a school bus must display the name of the bus company, the company's telephone number, and the bus number painted conspicuously in black lettering on its sides and rear. The act requires similar information to be painted on the sides and rear of STVs (i.e., the name and telephone number of the owner or operator, and the vehicle's fleet number). It requires that this information be displayed on all buses and STVs used regularly by a town, school district, private school, or contracting entity to bring children to and from school or school activities. By law, a first violation of this requirement is an infraction, and subsequent violations are punishable by a fine of between \$100 and \$500.

EFFECTIVE DATE: July 1, 2013

§ 58 — MOTOR HOMES AND RECREATIONAL VEHICLES ABANDONED AT CAMPGROUNDS

The act allows the motor vehicles commissioner to adopt regulations (1) specifying the circumstances in which a campground owner may dispose of a motor home or recreational vehicle abandoned on his or her property and (2) establishing procedures governing the disposal.

EFFECTIVE DATE: July 1, 2013

§ 59 — TRUCKING CONTRACTS WITH THE STATE

Under the act, regardless of any other law or regulation, any motor carrier (trucking company) or person driving a commercial motor vehicle (e.g., bus or large truck) cannot be ineligible to contract with the state or a municipality based on the results of safety inspections, unless at least 10 such inspections of the vehicle or company have been conducted during the 24 months before the contract's starting date. It does not specify whether or how many such tests the vehicle or company must pass or fail to remain eligible.

EFFECTIVE DATE: July 1, 2013

BACKGROUND

Infraction

An infraction is not a crime and the fine can be paid by mail without making a court appearance.

Unfair Trade Practice

The Connecticut Unfair Trade Practices Act (CUTPA) prohibits businesses from engaging in unfair and deceptive acts or practices. CUTPA allows the consumer protection commissioner to issue regulations defining what constitutes an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than \$5,000, enter into consent

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agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. It also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorney's fees; and impose civil penalties of up to \$5,000 for willful violations and \$25,000 for violating a restraining order.

Point System

State regulations allow the motor vehicles commissioner to suspend the license of a driver who accumulates 11 or more points on his or her driving record. DMV regulations assign between one and five points to various motor vehicle violations, ranging from one point for operating at an unreasonable speed to five points for negligent homicide with a motor vehicle (Conn. Agencies Reg. § 14-137a-5 et seq.). Points remain on a driver's record for two years from the date they are assessed.

Related Acts

PA 13-277 specifies that the ban on using hand-held cell phones while driving applies when a vehicle is temporarily stopped because of traffic, road conditions, or traffic control signs or signals.

PA 13-92 doubles the penalty for drivers who violate the cell phone ban in highway work zones.

OLR Tracking: PF:JKL:VR:ts/eh/ts